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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,467	01/23/2004	Makiko Mori	02910.000113.	5471
5514 7590 08/30/2011 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
STTA, GRANT				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/762,467

**Applicant(s)**

MORI, MAKIKO

**Examiner**

GRANT SITTA

**Art Unit**

2629

**Period for Reply** -- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1-9 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-9 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuzuki et al (6,388,716) in view of Yamaguchi et al (5,675,391) hereinafter, Yamaguchi further in view, of Nagakubo et al (5,757,343) hereinafter, Nagakubo further in view of Sumiyoshi et al (5,596,374) hereinafter Sumiyoshi.

4. In regards to claim 1, Tsuzuki teaches a base method comprising a video display apparatus comprising (abstract):

a display panel (figs. 1 and 2, (18 and 33) respectively);

a converting circuit for executing conversion for an input video signal to output a converted video signal (figs. 1 and 2 (12));

a display brightness featured value detecting circuit for detecting a display brightness featured value indicating a brightness of a display screen (fig. 1 and 2 (21 and 32));

an adjustment circuit for adjusting the converted video signal on the basis of said display brightness featured value to output an adjusted video signal (fig. 1 and 2 (20) ; and

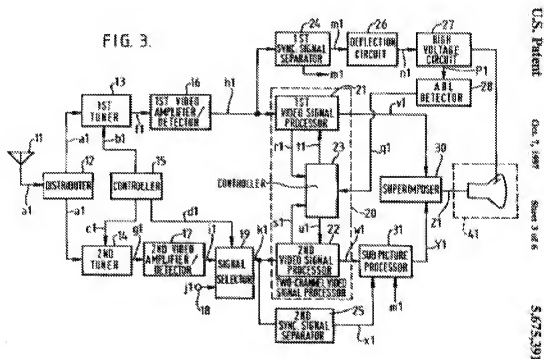
Tsuzuki fails to teach a superimposing circuit for superimposing a signal for displaying textual information or an icon on the adjusted video signal to output a superimposed video signal to the display panel.

However, Yamaguchi teaches a known device with a superimposing circuit for superimposing a signal for displaying textual information or an icon on the adjusted video signal to output a superimposed video signal to the display panel. (fig. 3 (30) superimposing circuit placed at the last stage before being sent to the display). Examiner notes the second video signal is for a television receiver which contains text and icon information related to channel and station information.

It would have been obvious to one of ordinary skill in the art would have recognized that applying the known device of a superimposing circuit and would have yielded the predictable result of applying addition information on the video signal of Tsuzuki, in order to easily convey information to the user, while still providing proper brightness characteristics relating to the image.

Therefore, Tsuzuki as modified by Yamaguchi teaches wherein said display brightness screen (fig. 1 and 2 (21 and 32) Tsuzuki) featured value detecting circuit

receives the superimposed video (fig. 3 (30) Yamaguchi) signal output from said superimposing circuit and calculates (fig. 2 (32) sent to 33 Tsuzuki) the display brightness featured value from the superimposed video signal (fig. 3 (30) and (28) Yamaguchi) in view of col. 3-4, lines 62-35 Tsuzuki) in which textual information or an icon is superimposed thereon ,



wherein an image is displayed on the basis of the superimposed video signal output from said superimposing circuit (fig. 3 (30) Yamaguchi col. 6, lines 62-67)).

Furthermore, Tsuzuki and Yamaguchi fail to expressly teach a converting circuit for executing **nonlinear conversion** for an input video signal to output a converted video signal.

However, Nagakubo teaches a converting circuit for executing nonlinear conversion for an input video signal to output a converted video signal (fig. 4 ((2) and 3)). Examiner notes gamma correction is a non-linear correction of a video signal and it is performed before that A/D.

It would have been obvious to one of ordinary skill in the art to modify the converting circuit of Tsuzuki and Yamaguchi to include the use of a gamma correction circuit in order to ensure the image is displayed properly.

Tsuzuki and Yamaguchi as modified by Nagakubo fail to expressly teach such that the converted video signal is adjusted based on the calculated display brightness featured values and such that textual information or the icon is not adjusted based on the calculated display brightness featured value.

However, Sumiyoshi teaches such that the converted video signal is adjusted based on the calculated display brightness featured values and such that textual information or the icon is not adjusted based on the calculated display brightness featured value. ("It is, therefore, an object of the present invention to provide a television receiver capable of eliminating the problem described above by selecting whether the contrast control should be executed on the on-screen display R, G and B signals corresponding to ABL voltage under prescribed conditions." (col. 2, lines 55-60).

It would have been obvious to one of ordinary skill in the art to modify the brightness control of Tsuzuki and Yamaguchi as modified by Nagakubo in view of Sumiyoshi because "in a mode where the on-screen display ratio is relatively small such as a channel display mode, etc., the contrast of on-screen characters changes corresponding to the level of TV signal applied and brightness changes unnecessarily, thus giving an unnatural impression to TV viewers" (col. 2, lines 38-44).

5. In regards to claim 2, Tsuzuki, Yamaguchi and Nagakubo as modified by Sumiyoshi teaches a video display apparatus as defined in claim 1, wherein said adjustment circuit is an adjustment circuit for adjusting the converted video signal on the basis of a plurality of display brightness featured values which are sequentially detected (col.,2, lines 1-30 correction of brightness levels, at lowest, intermediate and highest levels as image is displayed Tsuzuki).

6. In regards to claim 3. Tsuzuki, Yamaguchi and Nagakubo as modified by Sumiyoshi teaches a video display apparatus as defined in claim 1, wherein said adjustment circuit is also an adjustment circuit for adjusting the converted video signal on the basis of a brightness control value relating to an adjustment of image quality (fig. 1 and 2 (20) controller col. 4, lines 19-35 Tsuzuki).

7. In regards to claim 4, Tsuzuki, Yamaguchi and Nagakubo as modified by Sumiyoshi teaches wherein said display brightness featured value is a *sum* value of

display signals for a predetermined period (fig. 3 R, G, and B Tsuzuki). Examiner notes the brightness features values are based on each color which is summed at, or before the display, for detection purposes.

Tsuzuki as currently applied fails to expressly teach wherein said display brightness featured value is an average value of display signals for a predetermined period.

However, Yamaguchi, Nagakubo and Sumiyoshi teach wherein said display brightness featured value is an average value of display signals for a predetermined period. (Yamaguchi uses (fig. 3 ABL) average brightness level detector) and Nagakubo states, "[t]he average luminance level detector circuit 23 detects an average luminance level based on one field portion of R-pixel data, G-pixel data and B-pixel data each time a vertical synchronization signal is supplied from a synchronization separator circuit 4, and supplies a controller 20' with an average luminance level signal corresponding to the detected average luminance level. It should be noted that the average luminance level detector circuit 23 may detect an average luminance level of a plural-field portion of R-pixel data, G-pixel data and B-pixel data." co. 9, lines 14-23, (Sumiyoshi teaches ABL (22)).

It would have been obvious to one of ordinary skill in the art to perform simple substitution. The prior art contained a device (i.e., using the brightness sum) which different from the claimed device (i.e. using the average brightness), since Yamaguchi , Nagakubo and Sumiyoshi teach the substituted components and their function were known in the art. It would generally be considered obvious to one of ordinary skill in the



art to have substituted one known element, for another, and the results of the substitution would have been predictable.

8. In regards to claim 5, Tsuzuki, Yamaguchi and Nagakubo as modified by Sumiyoshi teaches wherein said display brightness featured value is the number of signals of the display signals for a predetermined period which have a greater value than a predetermined value. (fig. 3 R, G, and B Tsuzuki). Examiner notes the brightness features values are based on each color which is summed at, or before the display, for detection purposes.

9. In regards to claim 6, Tsuzuki, Yamaguchi and Nagakubo as modified by Sumiyoshi teaches wherein said display brightness featured value is a sum or average value of display signals for each color for a predetermined period. (fig. 3 R, G, and B Tsuzuki). Examiner notes the brightness features values are based on each color which is summed at, or before the display, for detection purposes.

10. In regards to claim 7, Tsuzuki, Yamaguchi and Nagakubo as modified by Sumiyoshi teaches a video display apparatus as defined in claim 1, wherein said display brightness featured value is a sum value of brightness components of display signals for a predetermined period. (fig. 3 R, G, and B Tsuzuki).

Tsuzuki as currently applied fails to expressly teach wherein said display brightness featured value is an average value of display signals for a predetermined period.

However Yamaguchi, Nagakubo and Sumiyoshi teach wherein said display brightness featured value is an average value of display signals for a predetermined period. (Yamaguchi uses (fig. 3 ABL) average brightness level detector) and Nagakubo states, "[t]he average luminance level detector circuit 23 detects an average luminance level based on one field portion of R-pixel data, G-pixel data and B-pixel data each time a vertical synchronization signal is supplied from a synchronization separator circuit 4, and supplies a controller 20' with an average luminance level signal corresponding to the detected average luminance level. It should be noted that the average luminance level detector circuit 23 may detect an average luminance level of a plural-field portion of R-pixel data, G-pixel data and B-pixel data." co. 9, lines 14-23. (Sumiyoshi teaches ABL (22)).

It would have been obvious to one of ordinary skill in the art to perform simple substitution. The prior art contained a device (i.e., using the brightness sum) which different from the claimed device (i.e. using the average brightness), since Yamaguchi and Nagakubo teach the substituted components and their function were known in the art. It would generally be considered obvious to one of ordinary skill in the art to have substituted one known element, for another, and the results of the substitution would have been predictable.

11. In regards to claim 8, Yamaguchi, Nagakubo and Sumiyoshi teaches wherein said display brightness featured value is a statistical value of display signals in a specific area of one display screen (fig. 2 statistical value of the current detected at (32) Tsuzuki).

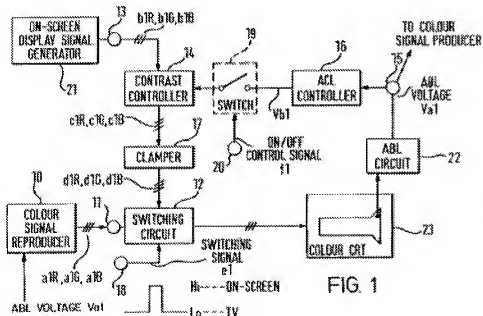
12. In regards to claim 9, Yamaguchi, Nagakubo and Sumiyoshi wherein pixels of said video display apparatus are constructed of display elements arranged in matrix (fig. 14 horizontal and vertical characteristics of the display Tsuzuki).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Sumiyoshi teaches "[i]n order to achieve the above object, a television receiver according to one aspect of the present invention includes first signal processing means for receiving television signals and generates contrast controlled first R, G and B signals; second signal processing means for making it possible to control the contrast by inputting second on-screen R, G and B signals; switching means for inputting the first and second R, G and B signals from the first and the second signal processing means and selectively to outputting them; a color CRT to which selected outputs are supplied from the switching means for displaying video image by the selected outputs; means for generating an ABL voltage that changes corresponding to level of video displayed on the color CRT to supplying the voltage to the first and the second signal processing

means for the contrast control of the first and the second R, G and B signals; and control means for controlling the execution and prohibition of the contrast control of the second R, G and B signals to execute the contrast control if a ratio of video by the second R, G and B signals out of the video displayed on the color CRT exceeds a prescribed level and to prohibit the contrast control if it is below the prescribed level." (col. 2-3, lines 61-15).



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Examiner notes, a switch (19) in fig. 1 above wherein for selectively controlling whether the picture level of the OSD is adjusted. When the OSD ratio is below a prescribed level, such as a channel, the switch is turned off and adjustments are not

made because adjustments would look unnecessary (col. 2, lines 45-52, and col. 5, lines 3-35).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Allender et al (2004/0056982)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT SITTA whose telephone number is (571)270-1542. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Beck can be reached on 571-272-7765. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Grant D Sitta/  
Primary Examiner, Art Unit 2629